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HOUSE BILL 144

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO CONTROLLED SUBSTANCES; INCLUDING THE HERB *SALVIA DIVINORUM* AS A SCHEDULE I CONTROLLED SUBSTANCE WITH OTHER HALLUCINOGENIC SUBSTANCES; AMENDING A SECTION OF THE CONTROLLED SUBSTANCES ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-31-6 NMSA 1978 (being Laws 1972, Chapter 84, Section 6, as amended) is amended to read:

"30-31-6. SCHEDULE I.--The following controlled substances are included in Schedule I:

A. any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically exempted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

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underscoring material = new
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- 1 (1) acetylmethadol;
- 2 (2) allylprodine;
- 3 (3) alphacetylmethadol;
- 4 (4) alphameprodine;
- 5 (5) alphamethadol;
- 6 (6) benzethidine;
- 7 (7) betacetylmethadol;
- 8 (8) betameprodine;
- 9 (9) betamethadol;
- 10 (10) betaprodine;
- 11 (11) clonitazene;
- 12 (12) dextromoramide;
- 13 (13) dextrorphan;
- 14 (14) diampromide;
- 15 (15) diethylthiambutene;
- 16 (16) dimenoxadol;
- 17 (17) dimepheptanol;
- 18 (18) dimethylthiambutene;
- 19 (19) dioxaphetyl butyrate;
- 20 (20) dipipanone;
- 21 (21) ethylmethylthiambutene;
- 22 (22) etonitazene;
- 23 (23) etoxeridine;
- 24 (24) furethidine;
- 25 (25) hydroxypethidine;

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- 1 (26) ketobemidone;
- 2 (27) levomoramide;
- 3 (28) levophenacymorphan;
- 4 (29) morpheridine;
- 5 (30) noracymethadol;
- 6 (31) norlevorphanol;
- 7 (32) normethadone;
- 8 (33) norpipanone;
- 9 (34) phenadoxone;
- 10 (35) phenampromide;
- 11 (36) phenomorphan;
- 12 (37) phenoperidine;
- 13 (38) piritramide;
- 14 (39) proheptazine;
- 15 (40) properidine;
- 16 (41) racemoramide; and
- 17 (42) trimeperidine;

18 B. any of the following opium derivatives, their
19 salts, isomers and salts of isomers, unless specifically
20 exempted, whenever the existence of these salts, isomers and
21 salts of isomers is possible within the specific chemical
22 designation:

- 23 (1) acetorphine;
- 24 (2) acetyldihydrocodeine;
- 25 (3) benzylmorphine;

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[bracketed material] = delete

- 1 (4) codeine methylbromide;
- 2 (5) codeine-N-oxide;
- 3 (6) cyprenorphine;
- 4 (7) desomorphine;
- 5 (8) dihydromorphine;
- 6 (9) etorphine;
- 7 (10) heroin;
- 8 (11) hydromorphinol;
- 9 (12) methyl-desorphine;
- 10 (13) methyl-dihydromorphine;
- 11 (14) morphine methylbromide;
- 12 (15) morphine methylsulfonate;
- 13 (16) morphine-N-oxide;
- 14 (17) myrophine;
- 15 (18) nicocodeine;
- 16 (19) nicomorphine;
- 17 (20) normorphine;
- 18 (21) pholcodine; and
- 19 (22) thebacon;

20 C. any material, compound, mixture or preparation
21 that contains any quantity of the following hallucinogenic
22 substances, their salts, isomers and salts of isomers, unless
23 specifically exempted, whenever the existence of these salts,
24 isomers and salts of isomers is possible within the specific
25 chemical designation:

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- 1 (1) 3,4-methylenedioxy amphetamine;
- 2 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 3 (3) 3,4,5-trimethoxy amphetamine;
- 4 (4) bufotenine;
- 5 (5) diethyltryptamine;
- 6 (6) dimethyltryptamine;
- 7 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 8 (8) ibogaine;
- 9 (9) lysergic acid diethylamide;
- 10 (10) marijuana;
- 11 (11) mescaline;
- 12 (12) peyote, except as otherwise provided in
- 13 the Controlled Substances Act;
- 14 (13) N-ethyl-3-piperidyl benzilate;
- 15 (14) N-methyl-3-piperidyl benzilate;
- 16 (15) psilocybin;
- 17 (16) psilocyn;
- 18 (17) salvia divinorum;
- 19 (18) salvinorin A;
- 20 [~~(17)~~] (19) tetrahydrocannabinols; and
- 21 [~~(18)~~] (20) hashish;

D. the enumeration of peyote as a controlled substance does not apply to the use of peyote in bona fide religious ceremonies by a bona fide religious organization, and members of the organization so using peyote are exempt from

underscored material = new
[bracketed material] = delete

1 registration. Any person who manufactures peyote for or
2 distributes peyote to the organization or its members shall
3 comply with the federal Comprehensive Drug Abuse Prevention and
4 Control Act of 1970 and all other requirements of law;

5 E. the enumeration of marijuana,
6 tetrahydrocannabinols or chemical derivatives of
7 tetrahydrocannabinol as Schedule I controlled substances does
8 not apply to the use of marijuana, tetrahydrocannabinols or
9 chemical derivatives of tetrahydrocannabinol by certified
10 patients pursuant to the Controlled Substances Therapeutic
11 Research Act or by qualified patients pursuant to the
12 provisions of the Lynn and Erin Compassionate Use Act; and

13 F. controlled substances added to Schedule I by
14 rule adopted by the board pursuant to Section 30-31-3 NMSA
15 1978."

16 Section 2. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2009.